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**FILED**  
**HARRISBURG, PA**

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

MAR 28 2001

RONALD S. TILLMAN,	:	<b>MARY E. ANDREA CLERK</b> Per <i>[Signature]</i> <small>Deputy Clerk</small>
Plaintiff	:	
v.	:	
DONALD ROMINE, et al.,	:	
Defendants	:	Civil No. 1:CV-00-2041 (Caldwell, J.)

**MOTION FOR ENLARGEMENT OF TIME**

Defendants ask the Court for a thirty-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to file their responsive pleading in response to the complaint. Defendants state the following in support thereof:

1. Plaintiff, Ronald S. Tillman, is an inmate formerly incarcerated at the United States Penitentiary ("USP Lewisburg") in Lewisburg, Pennsylvania.

2. The complaint is a Bivens action against seventeen present and former Bureau of Prisons employees at USP Lewisburg. Tillman alleges deliberate indifference regarding a serious medical need, i.e. to be free from the effects of second hand smoke. In addition, Tillman seeks a writ of mandamus to enforce the smoking policies. Tillman seeks compensatory and punitive damages and injunctive relief.

3. In order to appropriately respond to Tillman's allegations, the undersigned requested litigative assistance from agency counsel at USP Lewisburg.

4. Agency counsel at USP Lewisburg has been working with the Federal Correctional Institution ("FCI Edgefield") in Edgefield, South Carolina,<sup>1</sup> to obtain the needed materials to respond to the allegations in the complaint. Furthermore, Tillman makes numerous allegations against each of the seventeen defendants. As such, agency counsel has been unable to finalize the requested litigation report.

4. It is believed that the Bureau of Prisons will be able to provide the additional materials and that the undersigned will be able to submit defendants' responsive pleading on or before April 27, 2001.

5. Defendants submit that Tillman will not be prejudiced by this enlargement of time as it will allow the Bureau of Prisons and the undersigned additional time in which to prepare a responsive pleading which is thorough and complete in all respects.

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<sup>1</sup> Tillman transferred to FCI Edgefield prior to defendants being served with the complaint, thus, USP Lewisburg has requested Tillman's records but there has been a delay in receiving them.

WHEREFORE, the defendants request a thirty-day  
enlargement of time until April 27, 2001, in which to file their  
responsive pleading.

Counsel certifies that she has not sought the concurrence  
of plaintiff because the plaintiff is a prisoner proceeding pro se.  
M.D. Pa. Local Rule 7.1.

Respectfully submitted,

DAVID M. BARASCH  
United States Attorney



KATE L. MERSHIMER  
Assistant U.S. Attorney  
SHELLEY L. GRANT  
Paralegal Specialist  
217 Federal Building  
225 Walnut Street  
Post Office Box 11754  
Harrisburg, PA 17108

Dated: March 28, 2001

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD S. TILLMAN, :  
Plaintiff :  
:  
v. : Civil No. 1:CV-00-2041  
: (Caldwell, J.)  
DONALD ROMINE, et al., :  
Defendants :  
:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

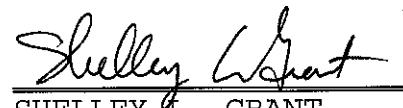
That on March 28, 2001, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Ronald S. Tillman  
Reg. No. 85375-071  
FCI Edgefield  
P.O. Box 724  
Edgefield, S.C. 29824

  
SHELLEY L. GRANT  
Paralegal Specialist